

332 Chron

FEDERAL COMMUNICATIONS COMMISSION

1919 M STREET NW
WASHINGTON DC 20554

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV/MMB/ASD

PROCESSING ENGINEER: Jim Bradshaw
TELEPHONE: (202) 418-2740
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: jbradsha@fcc.gov

Calvary Chapel of Twin Falls, Inc.
P.O. Box 271
241 Main Ave W.
Twin Falls, ID 83301

Hogan & Hartson LLP
555 13th Street, N.W.
Washington, D.C. 20004-1109

In re: K288ET(FM), Running Springs, CA
Calvary Chapel of Twin Falls, Inc.
BPFT-970318TB
Petition for Reconsideration

Gentlemen:

The staff has under consideration the following: (1) the above-captioned construction permit that was granted June 30, 1998; (2) the August 19, 1998 Petition for Reconsideration ("petition") filed on behalf of Citicasters Co. ("Citicasters"), licensee of Station KIOZ(FM), San Diego, California; and (3) all related pleadings. For the reasons stated below, Citicasters' petition will be granted and Calvary Chapel's above-captioned construction permit will be dismissed.

Calvary Chapel's application

By letter dated June 30, 1998, the petition to deny filed on behalf of KIOZ was denied due to insufficient evidence of listenership of the station within the proposed translator's 1 mV/m contour. Consequently, Calvary Chapel's application was granted.

Citicasters' Petition for Reconsideration

Citicasters includes letters from listeners of KIOZ, indicating that KIOZ is received in the Running Springs area. Therefore, Citicasters asserts that Calvary Chapel's translator operation violates 47 C.F.R. § 74.1204(f). Accordingly, Citicasters requests that the Commission reconsider the grant of the translator application.

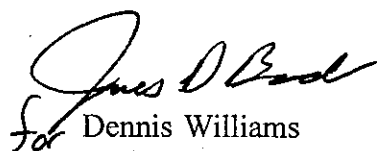
Discussion

Section 74.1204(f) of the Commission's rules states that an application for a translator station will not be accepted if the predicted 1 mV/m field strength contour of the proposed FM translator will overlap a populated area already receiving a regularly-used, off-the-air signal of any authorized co-channel, first-, second-, or third-adjacent channel broadcast station. However, the burden is on the petitioner to demonstrate that the translator's proposal violates 47 C.F.R. § 74.1204(f).¹ Our review of Citicasters' petition reveals that it has demonstrated that KIOZ has listeners within the proposed translator's 60 dBu contour, by submitting numerous letters from individuals indicating that they listen to KIOZ within the 60 dBu contour of the translator. Additionally, our further study of the application and related pleadings reveals that there would be a likelihood of interference to KIOZ within the translator's 1 mV/m contour. Therefore, K288ET is in violation of 47 C.F.R. § 74.1204(f), and the construction permit will be rescinded and the application will be dismissed.

Conclusion

In light of the above, the August 19, 1998 Petition for Reconsideration filed on behalf of Citicasters Co. IS HEREBY GRANTED to the extent indicated above. Furthermore, the Commission action granting construction permit BPFT-970318TB IS HEREBY RESCINDED, and the application IS HEREBY DISMISSED. In addition, the call sign K288ET IS DELETED. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,


for Dennis Williams
Assistant Chief
Audio Services Division
Mass Media Bureau

¹ The petitioner must provide "...convincing evidence that the station has any listener within the 1 mV/m contour of the proposed translator, and that there is a likelihood of interference." See Report and Order In the Matter of amendment of Part 74 of the Commission's Rules Concerning FM Translator Station, 5 FCC Rcd 7212 (1990), modified, 6 FCC Rcd 2334 (1991), recon. denied, 8 FCC Rcd 5093 (1993).